

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 31, 2005
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 2:04 p.m. The meeting was adjourned by Deputy Mayor Atkins at 2:36 p.m. into closed session on Tuesday, November 1, 2005, to discuss pending and existing litigation and meet and confer matters in the twelfth floor committee room.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant
- Clerk-Maland (er)

FILE LOCATION: MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

FILE LOCATION:

MINUTES



ITEM-10:

INVOCATION

Invocation was given by City Clerk Elizabeth Maland.

FILE LOCATION:

MINUTES



ITEM-20:

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Young.

FILE LOCATION:

MINUTES



[ITEM-30:](#) Dignity Memorial Homeless Veterans Burial Program Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-405) ADOPTED AS RESOLUTION R-300985

Commending all those involved in the success of the Dignity Memorial Veterans Burial Program for providing such valued services in our community and country;

Proclaiming October 31, 2005, to be "Dignity Memorial Homeless Veterans Burial Program Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:18 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



[ITEM-31:](#) Adam and Sandra Milgram Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-384) ADOPTED AS RESOLUTION R-300987

Proclaiming October 31, 2005, to be "Adam and Sandra Milgram Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:09 p.m.)

MOTION BY PETERS TO ADOPT. Second by Frye. Passed by the following vote:
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, District 8-vacant, Mayor-vacant.

CLOSED SESSION:

**Conference with Legal Counsel - existing litigation, pursuant to California Government
Code section 54956.9(a):**

CS-1 In Re: SEC Investigation into City Bond and Disclosure Practices

REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 1, 2005

ACA assigned: D. McGrath

Morgan Lewis and Bockius will report on matters pertaining to investigation of the City's financial and pension difficulties. As directed by City Council in closed session, Kroll Inc., will attend the November 1 closed session to respond to questions from Morgan Lewis and Bockius pertaining to matters related to the investigation of the City's financial and pension difficulties.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:33 p.m.)

Deputy Mayor Atkins closed the hearing.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to
California Government Code section 54956.9(c):**

CS-2 Transient Occupancy Tax

REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 1, 2005

DCA assigned: D. Shanahan

In closed session, the City Attorney will seek authority to pursue a lawsuit against multiple web booking companies to recover the Transient Occupancy Tax collected by the subject companies. The taxes actually collected by the web booking companies are returned by them and are not, as required by the SDMC, remitted to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:33 p.m.)

Deputy Mayor Atkins closed the hearing.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-3 Property: Qualcomm Stadium

REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 1, 2005

City Negotiator: TBA

Negotiating Party City of San Diego and the San Diego Chargers

Under Negotiation Lease

ACA assigned: D. McGrath

In closed session the City Attorney will recommend to the City Council the formation of a negotiating team consisting of the City Attorney, a Councilmember, or designee, and outside counsel to begin meeting with the San Diego Chargers to discuss their Qualcomm lease. Also the City Attorney will recommend that the City retain attorney and sports consultant Paul Jacobs for his expertise in this area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:32 p.m. – 2:33 p.m.)

Deputy Mayor Atkins closed the hearing.

* ITEM-50: Esperanza Townhomes Rezone.

(Encanto Neighborhoods of the Southeastern San Diego Community Plan Area.
District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2005, Item S500, Subitem C. (Council voted 5-0. Councilmember Peters not present. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-36) ADOPTED AS ORDINANCE O-19428 (New Series)

Changing 1.35 acres located on the northwest corner of Akins Avenue and 62nd Street, within the Southeastern San Diego Planned District and the Encanto Neighborhoods of the Southeastern San Diego Community Plan Area, in the City of San Diego, California, from the SF-6000 and the MF-3000 Zones into the MF-1500 Zone, as defined by San Diego Municipal Code Sections 103.1706.

FILE LOCATION: LUP-Esperanza Townhomes, 10/11/05 (65)

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-51: Implementing Ordinances for the Transition to the Mayor-Council Form of Governance.

(See Strong Mayor-Strong Council Transition Committee Reports dated 10/7/2005 and memorandum from the City Attorney dated 10/7/2005, these were not available at Committee. See Strong Mayor-Strong Council Transition Committee Report dated 9/27/2005; memorandum from the City Attorney dated 9/22/2005 and Permanent Rules of Council dated 9/21/2005.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced as amended on 10/17/2005,
Item 150. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

Subitem-A: (O-2006-43 Rev.) ADOPTED AS ORDINANCE O-19429 (New Series)

Amending Chapter 2, Article 2, Division 1 of the San Diego Municipal Code by adding new Section 22.0101.5, pertaining to the Permanent Rules of the Council under the Mayor-Council Trial Form of Governance and suspending Section 22.0101.

Subitem-B: (O-2006-45) ADOPTED AS ORDINANCE O-19430 (New Series)

Amending Chapter 1, Article 1, Division 1 of the San Diego Municipal Code by adding Section 11.0102.5, relating to the change in the Mayor's authority, powers, and responsibilities under the Mayor-Council Trial Form of Governance.

Subitem-C: (O-2006-44 Rev.) ADOPTED AS ORDINANCE O-19431 (New Series)

Amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801(b) and amending Chapter 2, Article 2 of the San Diego Municipal Code by adding Division 23 and Sections 22.2301, 22.2302, 22.2303, 22.2304, 22.2305, and 22.2306, all relating to the creation of the Office of Independent Budget Analyst.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-52: Agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Herbert Ibarra Elementary School.

(Mid City (City Heights) Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2005, Item 50. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-24) ADOPTED AS ORDINANCE O-19432

Authorizing the City Manager to execute an agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Herbert Ibarra Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - San Diego Unified School District (SDUSD),
Herbert Ibarra Elementary School

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-53: Agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Chollas-Mead Elementary School.

(Southeastern San Diego Community Area. District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2005, Item 51. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-23) ADOPTED AS ORDINANCE O-19433 (New Series)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, an agreement with the San Diego Unified School District (SDUSD) for the construction, operation, maintenance, and lease of joint use facilities at Chollas-Mead Elementary School, under the terms and conditions set forth in that agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - San Diego Unified School District (SDUSD),
Chollas-Mead Elementary School

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-54: Agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Kennedy Porter Elementary School.

(Southeastern San Diego Community Area. District 4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2005, Item 52. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-25) ADOPTED AS ORDINANCE O-19434 (New Series)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, an agreement with the San Diego Unified School District (SDUSD) for the construction, operation, maintenance, and lease of joint use facilities at Kennedy

Porter Elementary School, under the terms and conditions set forth in that agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - San Diego Unified School District (SDUSD),
Kennedy Porter Elementary School

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-55: Agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Laura Rodriguez Elementary School.

(Southeastern San Diego Community Area. District 8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2005, Item 53. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-26) ADOPTED AS ORDINANCE O-19435 (New Series)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Laura Rodriguez Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS - San Diego Unified School District (SDUSD),
Laura Rodriguez Elementary School

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-56: Agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Normal Heights Elementary School.

(Mid City (Normal Heights) Community Area. District 3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/17/2005, Item 54. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-27) ADOPTED AS ORDINANCE O-19436 (New Series)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District (SDUSD) for the Construction, Operation, Maintenance and Lease of Joint Use Facilities at Normal Heights Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS- San Diego Unified School District (SDUSD),
Normal Heights Elementary School

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-57: River View Village Residential Rezone.

(See City Manager Report CMR-05-168. Navajo Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/18/2005, Item 330, Subitem E. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-10) ADOPTED AS ORDINANCE O-19437 (New Series)

Changing 6.362 acres, located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the AR-1-2 (Agricultural-Residential) Zone (previously referred to as the A-1-1 Zone) into the RX-1-1 (Single-Family Residential) Zone, as defined by San Diego Municipal Code Section 131.0404.

FILE LOCATION: LUP-River View Village Residential, 8/02/05 (65)

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-58: Extending the Long-Term Waste Delivery Agreements with Specified Franchised Solid Waste Collection Companies.

(See memorandum from Elmer L. Heap, Jr. dated 9/12/2005.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-48) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 14, 2005

Introduction of an Ordinance authorizing the City Manager to execute amendments to the long-term waste delivery agreements with the specified franchised solid waste collection companies listed on Exhibit A, to provide for short-term extensions of those agreements to October 31, 2005, under the terms and conditions described in the amendments to those agreements;

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CITY MANAGER SUPPORTING INFORMATION:

A guaranteed stable waste flow and revenue into Miramar Landfill was of primary concern in the past. Environmental Services Department (ESD) now strongly believes that the Miramar Landfill should be viewed as a valuable resource for the City's future solid waste disposal needs. Therefore, there is no longer a need for waste delivery agreements, guaranteeing tonnages and revenues with the franchised haulers. Additionally, the various disposal (tipping) fee discounts associated with the agreements resulted in a disparity in fees being paid by the small independent haulers (Class I), large haulers (Class II), and government agencies. The decision to let the agreements expire will eliminate the current fee structure that was based on the current two tier franchise system. This is one step in the process of closely aligning all disposal related fees that are paid by Class I and Class II haulers.

Although this fee restructure will not have any impact on the fees that support the General Fund, the City could potentially experience a decrease of approximately 145,000 tons or \$3.5 million to the Refuse Disposal (Enterprise) Fund provided that flow of Non-City waste from franchised haulers is diverted from the Miramar Landfill. However, because of limited resources available for waste disposal within the San Diego area, existing local landfills are currently operating at capacity levels and we anticipate a redirection in the flow of City waste.

The anticipated increase in City waste coming into the City's landfill may offset any decrease in Non-City tonnage and revenues. Therefore, ESD believes that it is in the City's best interest not to exercise the option to renew for one more year the various Waste Delivery Agreements between the City and the City's franchised haulers.

These agreements have various termination dates. Since all but one of the existing Waste Delivery Agreements are scheduled to end in 2005, ESD proposes only a short-term extension of these agreements to October 31, 2005, so that all active Waste Delivery Agreements terminate at the same time. Accordingly, beginning on November 1, 2005, the City's franchised haulers will be subject to standard Miramar Landfill rates, rather than the discounted rates reflected in the Waste Delivery Agreements.

FISCAL IMPACT:

This action will not have any impact on the General Fund. There could be a potential loss of revenue to the Refuse Disposal Fund (approx. \$3.5 million), if the franchised haulers decide to avoid disposal of all Non-City waste to the Miramar Landfill. However, due to limited resources for refuse disposal at other local landfills, an anticipated redirection in the flow of City waste may offset any decrease in loss revenues.

Mendes/Heap/SAM

Staff: Samuel Merrill – (858) 573-1253
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-59: Sale of Surplus Motive Equipment to the City of Ensenada, Baja California, Mexico.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-49) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 14, 2005

Introduction of an Ordinance authorizing the City Manager to sell to the City of Ensenada twenty motorcycles described in Attachment A, for the prices indicated thereon, for a total of \$59,790, notwithstanding Section 22.0506 of the San Diego Municipal Code;

Authorizing the City Manager to take all necessary actions and sign any documentation necessary to complete the sale of the twenty motorcycles to the City of Ensenada;

Declaring notwithstanding Section 22.0506 of the San Diego Municipal Code, the \$59,790 from the sale of the twenty motorcycles in Attachment A shall be deposited in the Unlicensed Drivers Vehicle Impound Fees Fund, Fund Number 18684, Revenue Account 78348.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department normally disposes of surplus equipment by auction, pursuant to Section 35 of the City Charter. The Charter also allows for the City Council to authorize the disposal of surplus equipment directly to another public corporation. The City of Ensenada, Mexico, wants to purchase twenty surplus motorcycles which they have selected from San Diego Police Department's list of surplus motorcycle inventory.

San Diego Police Department's Fleet Manager in conjunction with the Stores Operations Supervisor from City Central Stores has determined the fair market value of the vehicles by researching amounts received in previous auctions for similar motorcycles and taking an average of the high and low selling prices. The requested price for each of the motorcycles was accepted by the City of Ensenada and they submitted a formal offer to purchase the equipment at a total cost of \$59,790. The equipment to be purchased has been listed in the Ordinance. The remaining surplus motorcycles in San Diego Police Department's inventory will be sold at public auction.

FISCAL IMPACT

The funds in the amount of \$59,790 will be deposited in the Unlicensed Drivers Vehicle Impound Fees Fund, Fund Number 18684 (Revenue Account 78348), from which fund the most recent motorcycle purchases were financed. This is unanticipated revenue for Fiscal Year 2006. There is no cost associated with this action.

Ewell/Lansdowne/JLF

Staff: John Alley – (619) 527-6020
David M. Stotland – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-60: Third Amendment to Agreement with McGraw/Baldwin Architects for Consultant Services for the College/Rolando Library.

(College Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-46) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 14, 2005

Introduction of an Ordinance authorizing the City Manager to execute the Third Amendment to the Agreement with McGraw/Baldwin Architects for professional services required for the construction of the College Rolando Library, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$47,793 from CIP-35-071.0, College/Rolando Branch Library, Fund No. 30244, Dept. No. 30244, Org. No. 106, to provide funding for the Third Amendment to the Agreement for the College/Rolando Library;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility this activity will result in a direct or reasonably foreseeable indirect physical change in the environment.

CITY MANAGER SUPPORTING INFORMATION:

The original College/Rolando Library, located at 4710 College Avenue, opened in 1955 and was inadequate by today's standards for neighborhood libraries. When completed, the new library located at 6600 Montezuma Rd. on the corner of Montezuma Rd. and Reservoir Dr., will have almost 15,000 square feet of space including an expanded children's area, enhanced study and reading space, a community meeting room, up-to-date computer facilities and significantly increased shelving.

The City entered into an Agreement with McGraw/Baldwin Architects on January 13, 2000 (Doc. No. C-09830) for the schematic design and environmental review of the College/Rolando Library. The parties entered into a First Amendment to the Agreement on December 20, 2002 (Doc. No. R-297408) to provide the necessary professional services to complete the required construction drawings and specifications. On September 22, 2003, the parties entered into a Second Amendment to the Agreement (Doc. No. R-298398) that provided for additional design modifications, construction document preparation, and other additional services. This Third Amendment to the Agreement is to increase the additional services & reimbursable expenses budget necessary to modify the construction drawings for vehicular access revisions, requested by the community, and for project value engineering.

FISCAL IMPACT:

The compensation for architectural services authorized by the original Agreement was \$244,000, and the First Amendment to the Agreement authorized additional compensation of \$390,000. The Second Amendment to the Agreement authorized additional compensation of \$118,000. This Third Amendment to the Agreement authorizes an additional \$47,793 for civil, mechanical, and electrical modifications, value engineering, and reimbursables. Funds for this purpose

(\$47,793) are available in CIP-35-071.0, Fund No. 30244, Dept. No. 30244, Org. No. 106, College/Rolando Branch Library.

Mendes/Boekamp/AO

Aud. Cert. 2600266.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-61: Amending the San Diego Municipal Code Relating to Excavation Fees.

(See memorandum from Frank Belock Jr. dated 6/28/2005.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-40) INTRODUCED, TO BE ADOPTED ON MONDAY,
NOVEMBER 14, 2005

Introduction of an Ordinance amending Chapter 6, Article 2, Division 12, of the San Diego Municipal Code by amending Section 62.1210, relating to Excavation Fees.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/20/2005, NR&C voted 4 to 0 to approve the item with the corrected grammatical language; and direct the City Manager to include in the revised trench restoration standards a quality control checkpoint at the end of each warranty period to ensure that any failed trenches are identified and those contractors required to re-do the work. (Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

SUPPORTING INFORMATION:

At the Natural Resources and Culture Committee meetings of May 4, 2005 and July 20, 2005, the Committee considered an update on the implementation of the Trench-Cut Ordinance which had been approved by the Council in September 2003. During the meeting, the Committee asked that the City Manager return to the Committee with information relating to an amendment to the ordinance which would provide that the excavation fees collected pursuant to the ordinance could be earmarked specifically for the location for which it was collected instead of being used Citywide.

If funds collected from a permittee were earmarked for the location of the permittee's work they could certainly be used at that location should the permittee's trench restoration efforts fail. However, if this earmarking was permanent there might be a concern that the funds would never be used should the trench restoration work never fail (which is often the case).

Experience has shown that if a trench repair is to fail it will do so within two years of the original work. Therefore, the amendment provides that should the work not be needed within two years of the excavation fee being paid then the monies would be released into the Street Maintenance Fund. It should be noted that since all contractors must warranty their work for a period of one year, should the trench repair fail within the first year staff would always direct the contractor to repair their work prior to looking to use the funds from the excavation fee.

FISCAL IMPACT:

Funds collected from the Excavation Fee would be initially restricted to the street in which the applicant performed trench work. After two years, any unused funds would be deposited in the Street Maintenance Fund and would be restricted to street repair Citywide.

Mendes/Belock

Staff: Frank Belock – (619) 533-7555

Kelly J. Salt – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-100: Hillcrest Streetscape Improvements – University Avenue – Vermont Street to Herbert Street.

(Uptown Community Area. District 3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-362) ADOPTED AS RESOLUTION R-300989

Amending the Fiscal Year 2006 Capital Improvements Program Budget for CIP-39-213.1, Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street by increasing the budget amount by \$90,000;

Authorizing the acceptance, appropriation and expenditure of an amount not to exceed \$90,000, from Fund No. 79512, Uptown Community Developer Impact Fees (DIF), CIP-39-213.1, Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street, solely and exclusively, for the purpose of providing funds for the construction, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Hillcrest Streetscape Improvements – University Avenue to Herbert Street, CIP-39-213.1, is part of a series of streetscape enhancements focused on the University Avenue/Uptown area that have been installed in the last few years. This Request for Council Action to add \$90,000, in Developer Impact Fees (DIF) funding is needed to pay for the construction of pop outs, including sidewalks, curbs and gutters from Vermont Street to Herbert Street as part of the overall improvement project. The usage of these DIF funds qualifies under project T4 of the Uptown Public Facilities Financing Plan. This Request for Council Action would increase the FY 2006 CIP-39-213.1, budget for Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street, by \$90,000, from the Uptown Community DIF Fund No. 79512, and authorize the City Auditor and Comptroller to accept, appropriate and expend \$90,000, in CIP-39-213.1, for the construction of the Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street. The total project cost is now \$1,684,829. If this Resolution is adopted, there will be sufficient funds to complete this project phase.

FISCAL IMPACT:

This action would increase the FY 2006 CIP Budget for CIP-39-213.1, Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street by \$90,000, and authorize appropriation and expenditure of \$90,000, from Fund 79512, Uptown Community DIF for CIP-39-213.1, for construction of the Hillcrest Streetscape Improvements: University Avenue – Vermont Street to Herbert Street.

Oppenheim/Fischle-Faulk/Kawar/AMH

Aud. Cert. 2600293.

Staff: Janet Wood – (619) 533-4260
Jacqueline Lindsay – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-101: Mira Sorrento Place – Scranton Road to Vista Sorrento Parkway Fund Increase for the Purpose of Right-of-Way and Easement Settlement Costs.

(Mira Mesa Community Area. District 5.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-347) ADOPTED AS RESOLUTION R-300990

Authorizing a \$250,000 increase in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund No. 30300, TransNet for the purpose of Right-of-Way and easement settlement costs;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$250,000 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund No. 30300, TransNet for the purpose of Right-of-Way and easement settlement costs;

Declaring that the Council of the City of San Diego finds that this activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility this activity will result in a direct or reasonably foreseeable indirect physical change in the environment;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway consists of widening the existing two-lane 560 feet portion of Mira Sorrento Place from (40' road width, 55' right-of-way) to a four-lane collector (72' road width, 92' right-of-way), and extending the road by 1,160' to intersect with Vista Sorrento Parkway at the existing on/off ramps to the Interstate 805 freeway in accordance with the community plan. The scope of work includes acquiring the right-of-way and easements necessary for the proposed project.

Four of the five affected property owners accepted the City's offer to acquire their property, except one owner (Mr. Hein) who did not accept the City's final offer of \$400,000. Under Resolution Number R-298569, dated November 3, 2003, the City Council approved eminent domain action to acquire the right-of-way and easements for the project through Parcels #341-010-04 and #341-352-21. The property owner asked to be compensated \$6,434,742. On Wednesday September 21, 2005, the eminent domain action trial was concluded and the jury returned a verdict that Mr. Hein will be entitled to \$335,948. In addition, Mr. Hein will be entitled to receive interest on the jury awarded amount and costs for Mr. Hein's attorney estimated at \$15,000.

This action will provide the required funds to make the settlement payment to Mr. Hein of \$350,948. In addition, this action will provide funding for the associated costs of services provided by Real Estate Assets Department and the private attorney estimated at \$53,852. The City has \$154,800 on deposit, and the remainder will be paid from this action.

The project is currently in construction and anticipated to be completed by February 2006.

FISCAL IMPACT:

Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, CIP-52-676.0, was previously appropriated \$10,983,123, and this action will increase the appropriation by \$250,000. Funding is available in TransNet Fund 30300. This action will bring the total project appropriation to \$11,233,123.

Mendes/Boekamp/DZ

Aud. Cert. 2600310.

Staff: Dave Zoumaras – (619) 533-3138
Eric A. Swenson – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-102: FY 2006 Winter Shelter and Cortez Hill Family Center Programs.

(See City Manager Report CMR-05-210. Point Loma and Barrio Logan Community Areas. Districts 2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-389) ADOPTED AS RESOLUTION R-300991

Finding that a significant number of persons within the City of San Diego are without the ability to obtain shelter, and that the weather conditions during the cold weather season has resulted in a threat to the health and safety of those persons;

Declaring a winter shelter emergency to exist in the City of San Diego in accordance with California Government Code Sections 8698-8698.2;

Approving the FY 2006 Winter Shelter Program as described in the City Manager's Report No. 05-210;

Authorizing the City Manager, or his designee, to enter into the FY 2006 Memorandum of Understanding between the San Diego Housing Commission and the City of San Diego, under which the City of San Diego shall receive a total of \$445,000 from the San Diego Housing Commission for the operation of the FY 2006 Winter Shelter and Cortez Hill Family Center Programs;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$95,000 from the San Diego Housing Commission for the FY 2006 Winter Shelter Program;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$350,000 from the San Diego Housing Commission for the FY 2006 Cortez Hill Family Center Program;

Authorizing the City Manager, or his designee, to enter into agreements to expend \$445,000 for the operation of the FY 2006 Winter Shelter and Cortez Hill Family Center Programs, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend any and all additional contributions, private donations, interest earnings, and other City funds associated with the approved FY 2006 Winter Shelter and Cortez Hill Family Center Programs;

Authorizing the City Auditor and Comptroller to transfer funds between the Winter Shelter Program and Cortez Hill Family Center Program, as needed, at the direction of the City Manager, or his designee.

Staff: Kimberly Pearson-Brown – (619) 533-6280
Michael D. Neumeyer – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-103: First Amendment to Agreement with Martinez & Cutri Corporation for Professional Design Services for the Logan Heights Branch Library.

(Southeastern San Diego Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-343 Rev.) ADOPTED AS RESOLUTION R-300992

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,700,000, from Fund 102216 Library System Improvement Fund, increasing the amount authorized for interim Capital Improvement Program expenses related to the Library System Improvement Program, from \$16,904,138 to \$19,604,138;

Authorizing an increase of \$2,700,000 in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-35-101.0, Logan Heights Branch Library;

Authorizing the appropriation of \$2,700,000 from Fund No. 102216, Library System Improvement Fund, to CIP-35-101.0, Logan Heights Branch Library (the Project);

Authorizing the City Manager to execute a First Amendment to the Agreement with Martinez & Cutri Corporation for additional professional design services for the Project, in an amount not to exceed \$100,000;

Authorizing the City Engineer, or his designee, to approve the plans and specifications for the construction of the Project as will be advertised by Contract Services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$8,209,724 from CIP-35-101.0, Logan Heights Branch Library, for the purpose of Project design and construction, contingent upon the City Auditor and Comptroller first certifying that funds are available;

Authorizing the City Manager to award a construction contract for the Project to the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller first certifying that funds are available for the purpose of project construction;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring the prior Environmental Document (LDR No. 42-0267) adequately addressed this activity as part of the previously approved project, and the activity is not a separate project for purposes of California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15060(c)(3) and for purposes of National Environmental Policy Act (NEPA) review per Federal Guidelines 24 C.F.R. 58.34(a)(2) and (a)(3).

CITY MANAGER SUPPORTING INFORMATION:

This project provides a 25,000 sq. ft. library on a school site to serve the Logan Heights Community. The existing facility, built in 1927 and only 3,967 sq. ft., lacks adequate space for materials and public seating, and has no meeting room. On June 11, 2002, the City and San Diego Unified School District entered into a Ground Lease Agreement for the Logan Heights Branch Library. On September 2003, the City entered into a Grant Agreement with the California State Library, and on November 23, 2004, the City entered into a First 5 Commission of San Diego Capital Projects Agreement for the project funding.

The library will be constructed in two phases. Phase I construction, which began in August 2005, consists of parking areas, fencing, exterior lighting, landscaping, and irrigation. Phase II consists of the library construction. Local building construction costs have escalated beyond inflation in the last three years. In May 2005, the City hired Turner Construction to perform a detailed project cost estimate and value engineering recommendations. The City approved library design value engineering revisions to the extent feasible to bring the project within budget. These actions will provide the funding necessary to bid and construct Phase II based upon current project cost estimates.

Project funding includes a \$5,359,724 Proposition 14 State Library Grant, a \$3,383,000 HUD 108 loan, and a \$1,000,000 County of San Diego First Five Grant for the Preschooler's Door to Learning. The state and county grants are contingent upon the City providing City matching funds.

In November 2002, the City Council authorized \$16.9 million in interim funding for specific expenditures under the Library System Improvements Program to be reimbursed from bond proceeds upon the issuance of Phase I of the Library System Bonds. This funding was met from accrued balances from annual TOT allocations designed for the anticipated debt service associated with the bonds issued for the Program. An additional \$2,700,000 is being requested from the accrued Program TOT allocations to meet Logan Height Project needs. These advanced funds could be reimbursed from bond proceeds when the first bond issuance occurs.

On May 20, 2003, the City entered into a consultant agreement with Martinez & Cutri Corporation in an amount not to exceed \$600,000 for the project design. With this First Amendment to the Agreement, the additional scope of services will be increased by \$100,000 to pay for value engineering and design revisions to the construction documents.

FISCAL IMPACT:

The total project cost is \$13,982,403. \$4,383,000 was previously authorized by City Council, \$3,030,000 per R-295242, \$353,500 per R-297961, and \$1,000,000 per R-299708. The remaining balance, \$9,599,403, will be available in Fund No. 30244, CIP-35-101.0, Logan Heights Branch Library. The original consultant fee for basic services was set at \$550,000 with \$50,000 for additional services. The First Amendment to Agreement increases the additional services from \$50,000 to \$150,000. Funding is available in CIP-35-101.0, Logan Heights Branch Library.

Mendes/Boekamp/AO

Aud. Cert. 2600316.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-104: Agreement with KTU & A, Inc. to Provide Professional Consultant Services for the Fiesta Island General Development Plan Refinement.

(Mission Bay Park Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-140 Cor. Copy) ADOPTED AS RESOLUTION R-300993

Authorizing the City Manager to enter into an agreement in an amount not to exceed \$290,000, with KTU & A, Inc., to provide professional consultant services for the Fiesta Island General Development Plan Refinement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$290,000, from CIP-22-959.0, Fiesta Island General Development Plan Refinement, Fund No. 10507, Fiesta Island Sludge Mitigation.

CITY MANAGER SUPPORTING INFORMATION:

The Fiesta Island site is located in the Mission Bay Park just west of I-5 Freeway. The park encompasses approximately 100 acres of parkland. On August 2, 1994, the original Mission Bay Park Master Plan was adopted. As part of that effort, a General Development Plan was done. The scope of this project intends to further refine the General Development Plan with information to the level where construction documents can be prepared.

The City of San Diego Park and Recreation Department requested from the City's Consultant Coordinator to solicit professional consulting firms for this project. The Statements of Qualification of five consulting firms were received. All firms were interviewed by a panel of individuals representing the Park Planning & Development staff, Park & Recreation operation staff, as well as, a participant from the Mission Bay Park Committee. During the interview process, each of the consultant teams were posed with the same list of five questions relating to the team's qualifications to perform the scope of work. The interview panel members scored the consultant teams based on how they felt the questions were answered. The scores were then tabulated to determine the most qualified consultant team. Of the consultant teams interviewed, the interview panel unanimously selected the team of KTU & A, Inc., as the most qualified to provide the refined General Development Plan for Fiesta Island.

This action will award a consultant agreement to KTU & A Inc., to provide Professional Services for the Fiesta Island Development Plan Refinement project.

FISCAL IMPACT:

Funds are available in CIP-22-959.0, Fiesta Island General Development Plan Refinement.

Herring/Medina/AP

Aud. Cert. 2600128.

Staff: Ali Darvishi - (619) 533-6526
Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-105: Agreement with Dominy & Associates Architects for Consulting Services for the San Carlos Branch Library.

(Navajo Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-339) CONTINUED TO MONDAY, NOVEMBER 14, 2005

Authorizing the City Manager to execute a phase funded agreement with Dominy & Associates, for professional design services for the San Carlos Branch Library (Project), CIP-35-088.0, for a cost not to exceed \$214,292 for Phase I and \$211,557 for Phase II, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this Project and agreement;

Authorizing the expenditure of an amount not to exceed \$214,292 from Fund No. 30244, Org. No. 106, CIP-35-088.0, San Carlos Branch Library, solely and exclusively for the purpose of providing Project funds for Phase I of this agreement and \$211,557 for Phase II, provided that the City Auditor and

Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as this activity involves only the funding of a planning study which will encompass the consideration of environmental factors prior to approval, adoption or funding of any future action;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Architects Dominy & Associates will provide the professional design services required for preparation of bridging documents and construction support services for a new 25,000 sq. ft. San Carlos Library.

The existing 5,000 sq. ft. library, located at 7265 Jackson Dr., is too small to provide adequate library services, such as meeting rooms, computer lab, adequate seating and space for books and multimedia items. The proposed new library will be built on the current library site and adjacent property.

In conformance with Council Policy 300-7, ten (10) architectural firms were interviewed for design services for the proposed reconstruction and expansion of the San Carlos Branch Library, and Dominy & Associates was selected to provide the required design services. On January 27, 2004, the City entered into a purchase order agreement for schematic design in an amount of \$24,999. The proposed agreement with the Architect is a two-phased contract with Phase I providing the professional design services required to prepare schematic drawings, permit processing and bridging documents. Phase II, once funded, will provide for the completion of the bridging documents and construction support services for the San Carlos Branch Library. The current schedule anticipates construction-funding becoming available in FY 2007/2008. In the event that this construction is delayed, the construction budget being developed with this contract may need to be adjusted to reflect construction cost escalations. If the scope of the project is revised or the project is not implemented, the work product developed through this action or related prior authorizations may not have other transferable uses/applications.

FISCAL IMPACT:

The total consultants fee for professional services authorized for this work is \$489,562, which includes \$24,999 already paid under the January 2004 purchase order. \$214,292 is for Phase I, and \$250,271 is for Phase II. This agreement will be phase funded with \$214,292 being available in CIP-35-088.0, San Carlos Branch Library, Fund No. 30244, Dept. No. 30244, Org. No. 106.

Mendes/Boekamp/AO

Aud. Cert. 2600267.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO CONTINUE TO MONDAY, NOVEMBER 14, 2005 FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-106: Agreement with Hanna Gabriel Wells Architects for Professional Design Services for the Balboa Branch Library Project.

(Clairemont Community Area. District 6.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-255) ADOPTED AS RESOLUTION R-300994

Authorizing the City Manager to execute a phase funded agreement with Hanna Gabriel Wells Architects, for professional design services for the Balboa Branch Library (Project), for a cost not to exceed \$266,310, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost

and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this Project and agreement;

Authorizing the expenditure of an amount not to exceed \$161,388, from Fund No. 102216, Org. No. 106, CIP-35-102.0, Balboa Branch Library, solely and exclusively, for the purpose of providing Project funds for Phase I design related services provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$81,422 from Fund No. 102216, Org. No. 106, CIP-35-102.0, Balboa Branch Library, solely and exclusively, for the purpose of providing Project funds for Phase II design related services provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as this activity involves only the funding of a planning study which will encompass the consideration of environmental factors prior to approval, adoption or funding of any future action;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Architects Hanna Gabriel Wells will provide the professional design services required for preparation of bridging documents and construction support services for a new 15,000 sq. ft. Balboa Branch Library. The existing 5,092 sq. ft. library, located at 4255 Mount Abernathy Avenue, in the Clairemont Community, is too small to provide adequate library services, such as meeting rooms, computer lab, adequate seating and space for books and multimedia items. The proposed new library will be built on the current library site.

In conformance with Council Policy 300-7, ten (10) architectural firms were interviewed for design services for the proposed reconstruction and expansion of the Balboa Branch Library, and Hanna Gabriel Wells was selected to provide the required design services. On June 3, 2003, the City entered into a purchase order agreement for schematic design in an amount of \$23,500. The proposed agreement with the Architect is a two-phased contract with Phase I providing the

professional design services required to prepare schematic drawings, permit processing and bridging documents. Phase II, once funded, will provide for the completion of the bridging documents and construction support services for the Balboa Branch Library. The current schedule anticipates construction-funding becoming available in FY 2007/2008. In the event that this construction is delayed, the construction budget being developed with this contract may need to be adjusted to reflect construction cost escalations. If the scope of the project is revised or the project is not implemented, the work product developed through this action or related prior authorizations may not have other transferable uses/applications.

FISCAL IMPACT:

The total consultants fee for professional services authorized for this work is \$266,310 that includes \$23,500 already paid under the June 2003 purchase order. \$161,388 is for Phase I, and \$81,422 is for Phase II. This agreement will be phase funded with \$161,388 being available in CIP-35-102.0, Balboa Branch Library, Fund No. 102216, Dept. No. 30244, Org. No. 106.

Mendes/Boekamp/AO

Aud. Cert. 2600150.

Staff: Afshin Oskoui – (619) 533-3102
Christina L. Bellows – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



* ITEM-107: Two actions related to Grant Application to California Office of Emergency Services (OES) for Open Space Brush Management Program.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-336) ADOPTED AS RESOLUTION R-300995

Authorizing the City Manager, or his representative, to apply to the OES for the Grant for the:

- (a) Scripps Ranch Group consisting of 280.7 acres for \$1,309,260;
- (b) Carmel Valley Group consisting of 271.1 acres for \$1,309,260; and
- (c) Del Cerro Group consisting of 127.6 acres for \$621,328;

Authorizing the City Manager, or his representative, to take all necessary actions to secure the Grant and to negotiate and execute all agreements necessary to comply with the OES's grant requirements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$911,955, from AC 2400926 approved by Council Resolution R-299064, to whichever of the Hazard Mitigation Grant Program DR-1498, FY 2005 Pre-Disaster Mitigation Grant Program, or Hazard Mitigation Grant Program DR-1577/DR-1585 open space brush management grants is received first, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the, Grant is secured;

Authorizing the City Auditor and Comptroller to establish interest-bearing funds for the Grant.

Subitem-B: (R-2006-355) ADOPTED AS RESOLUTION R-300996

Stating for the record that the Application for Federal Grant Supporting Open Space Brush Management Program is a subsequent discretionary approval of the Project addressed in Subsequent Environmental Impact Report/Environmental Assessment and Addendum, Project No. 31245 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final Subsequent Environmental Impact Report/Environmental Assessment and Addendum, Project No. 31245, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined

that this subsequent discretionary approval of the Application for Federal Grant Supporting Open Space Brush Management Program does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

This request authorizes the City Manager or his representative to apply for funding for program costs to implement a proposed 100-foot brush management area in the City's open space for defense against impending fire. Of the 22,600 acres of open space land the City owns, an estimated 1,180 acres interface with structures. To manage the open space brush effectively, an estimated 590 of these urban wildland interface acres should be thinned each year. At the City's current budget levels, only 70 acres of brush are thinned each year. The City cannot keep up with the current program requirements. Thinning additional acres to meet the proposed 100-feet from structure open space brush management requirement will place an impossible demand on the budget.

The California Office of Emergency Services (OES) invited eligible applicants to apply for the Hazard Mitigation Grant Program DR-1577/DR-1585 for projects that meet program eligibility requirements. The City is an eligible sub-applicant and the open space brush management program meets program eligibility requirements. Award notifications are expected in winter 2005. The City's three applications are: 1) Scripps Ranch Group consisting of 280.7 acres for \$1,309,260; 2) Carmel Valley Group consisting of 271.1 acres for \$1,309,260; and 3) Del Cerro Group consisting of 127.6 acres for \$621,328. Total for all three applications is \$3,239,848.

The brush thinning projects were previously submitted for federal grant funds as a result of the Cedar Fire. The two previous applications to the Hazard Mitigation Grant Program DR-1498 and FY 2005 Pre-Disaster Mitigation Grant Program are still pending. The City matching funds will be applied to whichever grant is awarded.

FISCAL IMPACT:

FEMA Hazard Mitigation DR-1577/DR-1585 grants are provided on a cost-share basis of 75% federal share and 25% non-federal share. The City will provide a minimum 25 percent match for each application as follows: \$856,097 currently encumbered via AC 2400926 pursuant to Council Resolution R-299064 approved April 12, 2004, and \$143,903 Park and Recreation Department's annual allocation for open space brush management (FY 06).

Further, FEMA Hazard Mitigation grants provide for a 10% advance (\$223,984) when awarded. The \$856,097 (AC 2400926), plus \$143,903 (Park and Recreation Open Space Brush

Management annual allocation), and \$223,984 (FEMA advance) would provide the funding necessary to begin the program. Reimbursements for expenditures would be expected on a monthly basis. Acceptance of these grants will not impact the cash flow of the General Fund.

Ewell/Ghio/WFN

Staff: Carole Hogan – (619) 533-6591
Hilda Ramirez Mendoza – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- * ITEM-108: Grant Application to State of California Conservation Planning Local Assistance Program for MSCP Biological Monitoring Plan Revision Animal Species Monitoring Project.

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2006-364) ADOPTED AS RESOLUTION R-300997

Authorizing the City Manager, or designee, to submit an application, for grant funding to the State of California Natural Community Conservation Planning Local Assistance Program for MSCP Biological Monitoring Plan Revision: Animal Species Monitoring (Project);

Authorizing the City Manager, or his designee, to take all actions to secure funding;

Authorizing the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements,

amendments, payment requests, which may be necessary to complete the aforementioned Project;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing grant fund account as needed for the approved grant application, contingent upon award of the grant;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend up to \$168,106 (\$11,627 for City administration, reproduction, and postage; and \$156,479, for consultant services) contingent on the award of the grant.

CITY MANAGER SUPPORTING INFORMATION:

The Biological Monitoring Plan for the Multiple Species Conservation Program (MSCP) was developed in 1996 and is a component of the City of San Diego's MSCP, which the City Council adopted on March 18, 1997, by Resolution R-28455. The plan sets forth monitoring requirements for a variety of plant and animal species that are covered by the MSCP permit to assess regional changes in habitat conditions and wildlife. Since implementation of the MSCP in 1997, much has been learned about the species within the MSCP and the methodologies for monitoring. We have also learned that many of the monitoring methods outlined in the MSCP Biological Monitoring Plan are cumbersome, ineffective and, in some cases, provide datasets with limited scientific use.

This grant, if approved, would provide state funds to perform a critical analysis of the current animal monitoring plan and provide revisions. The U.S. Fish and Wildlife Service (USFWS) biomonitor staff would conduct the review, analysis and revision, with input from three independent scientific advisors. The third-party, independent scientific advisors would be selected by the California Department of Fish and Game and USFWS in conjunction with City and County MSCP staff. The advisors would be selected based on their expertise in animal species monitoring, population ecology and statistical analysis. Grant administration would be performed by City of San Diego staff. The cost of grant administration would be paid for by the grant.

This grant proposal would develop a more efficient and cost-effective MSCP biological monitoring plan. More accurate and useful management decisions can be made if monitoring data are collected in a more efficient manner and are consistent throughout the MSCP.

FISCAL IMPACT:

No fiscal impact. The proposed grant, if approved, would provide \$168,106, to conduct revisions to the MSCP animal monitoring plan. The grant would include: 1) \$11,627, for City grant administration and reproduction/postage; 2) \$156,479, for consultant services.

Oppenheim/Goldberg/MJ

Staff: Keith Greer – (619) 236-7258
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-109: Japanese Friendship Garden Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-373) ADOPTED AS RESOLUTION R-300998

Commending all those involved in the preservation of the Japanese Friendship Garden and its important role in our region's history;

Proclaiming October 7, 2005, to be "Japanese Friendship Garden Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-110: Marston House Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-374) ADOPTED AS RESOLUTION R-300999

Commending all those involved in the preservation of the Marston House;

Proclaiming October 9, 2005, to be "Marston House Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-111: Homeless Persons Memorial Day

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-407) ADOPTED AS RESOLUTION R-300986

Commending all of those involved in the care and shelter of the homeless;

Proclaiming November 1, 2005, to be "Homeless Persons Memorial Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-112: Florence Byerly Covell Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-383) ADOPTED AS RESOLUTION R-301001

Proclaiming November 4, 2005, to be "Florence Byerly Covell Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-285) ADOPTED AS RESOLUTION R-301002

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-324) ADOPTED AS RESOLUTION R-301003

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-250: **Notice** of Settlement of Sainz v. City of San Diego, et al.

(R-2006-298 Cor. Copy)

Adopted as Resolution R-300947 on October 18, 2005.

A Resolution approved by the City Council in Closed Session on Tuesday, October 18, 2005, by the following vote: Peters-yea; District 2-vacant; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; District 8-vacant; Mayor-vacant.

Authorizing the City Manager to execute a Retainer Agreement for outside counsel services in the case Sainz v. City of San Diego, et al.;

Declaring it is proposed that the initial representation and associated legal costs be in an amount not to exceed \$250,000, from Liability Fund No. 81140, solely and exclusively for the purpose of providing funds for the above services.

Aud. Cert. 2600307.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: **Notice** of Pending Final Map Approval – Normal Heights Village I.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Normal Heights Village I” (T.M. No. 148832/PTS No. 76944), located southwesterly of 39th Street and Monroe Avenue in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval – Porta D'Italia.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Porta D'Italia" (T.M. No. 152371/PTS No. 75051), located westerly of Columbia Street between Fir Street and Hawthorn Street in the Centre City Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – 4633 Bancroft Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4633 Bancroft Street Condominiums” (T.M. No. 135839/PTS No. 77796), located southwesterly of Adams Avenue and Bancroft Street in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: Notice of Pending Final Map Approval – 720 W. Lewis Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “720 W. Lewis Street Condominiums” (T.M. No. 128977/PTS No. 76073), located northeasterly of Falcon Street and W. Lewis Street in the Uptown Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the

map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-255: Notice of Pending Final Map Approval – 839 Sapphire Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “839 Sapphire Street” (T.M. No. 115294/PTS No. 77954), located southeasterly of Mission Boulevard and Sapphire Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-256: **Notice** of Pending Final Map Approval – 4437 Mentone Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4437 Mentone Condominiums” (T.M. No. 128209/PTS No. 68259), located southwesterly of Mentone Street and W. Point Loma Blvd. in the Peninsula Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-S400: [Conference with Real Property Negotiator](#), pursuant to California Government Code Section 54956.8:

REFERRED TO CLOSED SESSION ON TUESDAY, NOVEMBER 1, 2005

Property: Qualcomm Stadium

City Negotiator: TBA

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Lease

ACA Assigned: D. McGrath

In closed session the City Attorney will recommend to the City Council the formation of a negotiating team consisting of the City Attorney, a Councilmember, or designee, and outside counsel to begin meeting with the San Diego Chargers to discuss their Qualcomm lease. Also the City Attorney will recommend that the City retain attorney and sports consultant Paul Jacobs for his expertise in this area and therefore also consider authorizing up to \$50,000 for his retention.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, November 1, 2005.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.
Deputy Mayor Atkins closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:23 p.m.)

Deputy Mayor Atkins closed the hearing.



ITEM-S401: Appointment of James B. G. Hearty to the San Diego City Employees' Retirement System Board of Administration.

(See memorandum from Deputy Mayor Atkins dated 10/26/2005, with resume attached.)

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-428) ADOPTED AS RESOLUTION R-301004

Council confirmation of the appointment by the Deputy Mayor of the City of San Diego to serve as a member of the City Employees' Retirement System Board of Administration, as follows;

NAME

TERM ENDING

James B. G. Hearty
(resides in Del Mar)
(Replacing Robert H. Wallace,
who resigned)

March 31, 2009

Declaring pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that James B. G. Hearty is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 00-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:28 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 2:36 p.m. in honor of the memory of:

Stanley Devoe Battle as requested by Council Member Frye..

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 2:33 p.m. – 2:36 p.m.)